



Order Filed on October 28, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1	
Denise Carlon, Esquire Brian C. Nicholas, Esquire KML LAW GROUP, P.C. 701 Market Street, Suite 5000 Philadelphia, PA 19106 dcarlon@kmlawgroup.com Attorneys for Movant Avail Holding LLC	
In Re:	Case No.: 22-15392 CMG
Wilbur U. Mallory Jr.,	Adv. No.:
Debtor.	Hearing Date: 9/7/22 @ 10:00 a.m.
	Judge: Christine M. Gravelle

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED

DATED: October 28, 2022



Honorable Christine M. Gravelle
United States Bankruptcy Judge

Page 2

Debtor: Wilbur U. Mallory

Case No.: 22-15392 CMG

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Avail Holding LLC, holder of a mortgage on real property located at 706 O'Hagen Terrace, Neptune NJ 07753, Brian C. Nicholas appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and Robert Cameron Legg, Esquire, attorney for Debtor, Wilbur U. Mallory, and for good cause having been shown;

It **ORDERED, ADJUDGED and DECREED** that Debtor is to sell the property by December 31, 2022; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Debtor is to make regular payments in accordance with the terms of the note and mortgage to Secured Creditor while the sale is pending; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that any payoff amount Secured Creditor's claim is to be calculated under applicable state law, and per the terms of the note and mortgage; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that if the Debtor fails to sell the property by December 31, 2022, Secured Creditor may obtain an In Rem Order Vacating the Automatic Stay as to the property by submitting a Certification of Default to the Court indicating same, and Debtor shall 14 days to respond; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that the Secured Creditor does not waive its rights to the arrears or the full payoff amount; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.

In re:
Wilbur U. Mallory, Jr.
Debtor

Case No. 22-15392-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Oct 28, 2022

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 30, 2022:

Recip ID	Recipient Name and Address
db	+ Wilbur U. Mallory, Jr., 706 O Hagen Terrace, Neptune, NJ 07753-2830

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 30, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 28, 2022 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Avail Holding LLC dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Robert Cameron Legg	on behalf of Debtor Wilbur U. Mallory Jr. courtdocs@oliverandlegg.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4